IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6273 OF 2007

Shekhar Ashok Patil... ... ... Petitioner.

Versus

Rajesh Haridas Shinde & Ors.. ... Respondents.

Mr. S.P.Kadam for the Petitioner.
Mr. Bhargude with Mr.S.B.Deshmukh for Respondent No.1.
Mr. R.M.Patne, AGP for Respondent No.6.

CORAM : S.C.DHARMADHIKARI, J.

DATED : 19TH DECEMBER, 2007.

P.C.:

The election petition, which was preferred by respondent No.1 challenging the election of the petitioner herein is pending. Upon a preliminary objection that the election petitioner is not entitled to present the petition as he is neither a voter nor a candidate, the trial Court at the prima facie stage has held that it is not so and the election petition is, prima facie, maintainable.

2. In my view, this is not a case to interfere under Article 227 of the Constitution of India.

3. If the final order in the election petition is

adverse to the petitioner, while impugning the same, the petitioner would be entitled to take a plea that the election petition itself is not maintainable.

4. Writ petition is, accordingly, dismissed.

Sd/-

(S.C.DHARMADHIKARI, J.)